

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

GE HFS HOLDINGS, INC., f/k/a )  
HELLER HEALTHCARE FINANCE, )  
INC., )

Plaintiff, )

And )

MICHAEL INGOLDSBY, )

Intervenor/Plaintiff, )

v. )

Civil Action No. 05-CV-11128-NG

NATIONAL UNION FIRE )  
INSURANCE COMPANY OF )  
PITTSBURGH, PA., and )  
INTERNATIONAL INSURANCE )  
GROUP, LTD., )

Defendants. )

**DEFENDANT NATIONAL UNION FIRE INSURANCE COMPANY OF  
PITTSBURGH, PA'S MOTION TO VACATE ORDER AND STRIKE  
SUPPLEMENTAL MEMORANDUM OF LAW OR IN THE  
ALTERNATIVE FOR LEAVE TO FILE RESPONSE**

Defendant National Union Fire Insurance Company of Pittsburgh, PA ("National Union") hereby moves this Court to vacate its December 22, 2006 Order granting Plaintiff-Intervenor Michael Ingoldsby's ("Mr. Ingoldsby") Motion for Leave to File a Supplemental Memorandum ("Motion") and to strike Mr. Ingoldsby's Supplemental Memorandum. In the alternative, National Union hereby moves for leave to file a response to Mr. Ingoldsby's Supplemental Memorandum by January 5, 2007.

For the reasons set forth below, the Court's Order of December 22, 2006 should be vacated and Mr. Ingoldsby's Supplemental Memorandum stricken, or in the alternative National Union's Motion for Leave to File a Response should be granted:

1. On December 21, 2006, Mr. Ingoldsby filed his Motion.
2. Mr. Ingoldsby's Motion, however, ignores the requirements of Local Rule 7.1(A)(2), which states that no motion shall be filed unless counsel certify that they have conferred and have attempted in good faith to resolve or narrow the issue.
3. Mr. Ingoldsby's counsel, however, never conferred with counsel for National Union. Moreover, Mr. Ingoldsby's counsel failed to file the required Local Rule 7.1 certification.
4. Had Mr. Ingoldsby's counsel conferred with counsel for National Union, we would have agreed to the filing of the Supplemental Memorandum, provided that National Union would have until January 5, 2007 to file a response.

WHEREFORE, the Court's December 22, 2006 Order granting Mr. Ingoldsby's Motion for Leave to File Supplemental Memorandum should be vacated and Mr. Ingoldsby's Supplemental Memorandum should be stricken. In the alternative, this Court should grant National Union's Motion for Leave to file a response by January 5, 2007.

NATIONAL UNION FIRE INSURANCE  
COMPANY OF PITTSBURGH, PA

By its attorneys,

Dated: December 22, 2006

/s/ Mary Patricia Cormier  
John D. Hughes (BBO# 243660)  
Mary Patricia Cormier (BBO#635756)  
EDWARDS ANGELL PALMER  
& DODGE LLP  
111 Huntington Avenue  
Boston, MA 02199  
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**CERTIFICATE OF SERVICE**

I, Mary Patricia Cormier, hereby certify that on this 22nd day of December, 2006, I served a copy of the foregoing Motion to Vacate via ECF on Gregory J. Aceto, Johnson & Aceto, P.C., 67 Batterymarch Street, Suite 400, Boston, MA 02110 and Richard E. Heifetz, Tucker, Heifetz & Saltzman, LLP, Three School Street, Boston, MA 02108.

/s/ Mary Patricia Cormier  
Mary Patricia Cormier

**LOCAL RULE 7.1(A)(2) CERTIFICATION**

I certify, pursuant to Local Rule 7.1(A)(2), that Counsel to National Union has attempted in good faith to contact counsel for Plaintiff, Michael Ingoldsby, to resolve the issues presented in this motion. Those efforts were not successful.

/s/ Mary Patricia Cormier  
Mary Patricia Cormier